

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON,

Plaintiff,

v.

(1) NATIONAL BOARD OF MEDICAL  
EXAMINERS,

Defendant.

Case No. CIV-2015-1204-HE

**DEFENDANT'S NOTICE OF INTENTION TO  
REQUEST PRODUCTION OF DOCUMENTS FROM  
THE MEDICAL UNIVERSITY OF SOUTH CAROLINA**

Pursuant to Fed.R.Civ.P. 45 and L.Cv.R. 45.1(a), Defendant, National Board of Medical Examiners ("NBME"), hereby gives Notice of its intent to serve the attached Subpoena, requesting the production of documents, on the Medical University of South Carolina, 169 Ashley Avenue, MSC 333, 202 Main Hospital, Charleston, SC 29425.

DATE: May 3, 2016

Respectfully Submitted,

/s/ Jack S. Dawson

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*Attorneys for Defendant,*  
*National Board of Medical Examiners*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, OBA No. 1712  
Heather Mitchell, OBA No. 14035  
CLARK & MITCHELL, P.C.  
101 Park Avenue, Suite 210  
Oklahoma City, OK 73102  
Telephone: (405) 235-8488  
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*Attorneys for Plaintiff*

/s/ Jack S. Dawson

## UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

RANDY BLAKE PATTERSON

*Plaintiff*

v.

NATIONAL BOARD OF MEDICAL EXAMINERS

*Defendant*

Civil Action No. CIV-2015-1204-HE

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: MEDICAL UNIVERSITY OF SOUTH CAROLINA  
169 Ashley Avenue, MSC 333, 202 Main Hospital, Charleston, SC 29425

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT A, attached hereto and incorporated herein by reference

Place: RICHARD B. HOMES, CPA, 102 Wappoo Creek Drive,  
Suite 11, Charleston, SC 29412 OR to MILLER  
DOLLARHIDE, P.C. at the below address or email

Date and Time:

05/24/2016 by 3p.m.

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/03/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Defendant, National Board of Medical Examiners, who issues or requests this subpoena, are:  
Jack S. Dawson, Esq., Amy L. Alden, Esq., and Andrea R. Rust, Esq., 210 Park Avenue, Suite 2550, Oklahoma City,  
OK 73102; (405) 236-8541; jdawson@millerdollarhide.com; aalden@millerdollarhide.com; arust@millerdollarhide.com

## Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



**EXHIBIT A**

***I. Instructions and Definitions***

1. The terms “South Carolina”, “you”, and “your” shall mean the Medical University of South Carolina and any of their agents, representatives, employees and/or assigns.
2. The term “Plaintiff” or “Dr. Patterson” shall refer to Randy Blake Patterson, NRMP ID #N0213572, AAMC ID #12892037.
3. The terms “and” and “or” shall each refer to “and/or,” whichever use makes the request most inclusive.
4. The term “communication” shall mean any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred, including by way of example, emails.
5. The term “document” or “documents” shall be construed in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes but is not limited to, every writing or record of every type and description that is in the possession, custody or control of you, including but not limited to correspondence (interoffice, intra-office or otherwise), communications, letters, memoranda, notices, confirmations, summaries or records of conversations, voice and sound recordings, films, electronic mail, computer data and any other form of electronic, magnetic, or computerized media, telephone recordings and transcriptions, photographs, notebooks, summaries or reports of physicians or consultants, pamphlets, notes from telephone conversations, agreements, reports, memoranda, studies, summaries, minutes, notes, instructions, manuals, any marginal comments or post-it notes appearing on any documents, and all other written, printed, computerized, computer-stored or maintained, or typed information of any nature whatsoever.
6. Included in the definition of “document” or “documents” as used herein are files, file folders, electronic files, electronic file folders, and any other computerized, computer-stored or maintained files or file folders. Accordingly, produce files and file folders together with the documents they contain.
7. The term “concerning,” “relating to,” “reflecting,” and “referring to” shall mean constituting, evidencing, mentioning, describing, pertaining to, responding to, used or relied upon in preparation of or in conjunction with, or being connected in any way, either directly or indirectly.
8. For purposes of these requests, the use of the singular shall be construed as the use of

the plural and *vice versa*; “any” includes “all” and *vice versa*; “each” includes “every” and *vice versa*; and the masculine includes the feminine and *vice versa*.

## ***II. Requests to Produce Documents***

1. Please produce copies of all documents submitted by Dr. Patterson or on Dr. Patterson’s behalf to your medical school and/or any of your residency or fellowship programs, including but not limited to any and all applications, letters of recommendation, academic transcripts, medical school performance evaluations, examination scores or performance results, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS, and any other supporting documentation provided with any application.
2. Please produce copies of all medical school transcripts submitted by Dr. Patterson or on Dr. Patterson’s behalf to your medical school and/or any of your residency or fellowship programs.
3. Please produce copies of all documents concerning any and all evaluations of Dr. Patterson’s applications submitted to your medical school and/or any of your residency or fellowship programs, including but not limited to Dr. Patterson’s ranking by your medical school and/or any residency or fellowship program.
4. Please produce copies of all documents and communications concerning your acceptance and/or decision not to accept Dr. Patterson to your medical school and/or any of your residency or fellowship programs.
5. Please produce copies of all documents reflecting Dr. Patterson’s scores or performance on any examinations, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS examinations.
6. Please produce copies of all communications between you and Dr. Patterson or anyone acting on Dr. Patterson’s behalf regarding his application to your medical school and/or any of your residency or fellowship programs.
7. Please produce copies of all documents and communications relating to any meetings or conversations discussing your evaluation of any application submitted by Dr. Patterson to your medical school and/or any of your residency or fellowship programs.
8. Please produce copies of all documents and communications relating to any interviews conducted with Dr. Patterson regarding any application submitted by Dr. Patterson to your medical school and/or any of your residency or fellowship programs.

9. Please produce copies of all documents that refer or relate to Dr. Patterson's schedule for taking or the scheduling of any USMLE examination, including but not limited to the USMLE Step 1, Step 2 CK, and Step 2 CS examinations, or that refer or relate to his experience while taking any of the above-referenced USMLE examinations.

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(1) RANDY BLAKE PATTERSON,

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v.

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Defendant.

Case No. CIV-2015-1204-HE

**DECLARATION OF AUTHENTICITY**

I (name) \_\_\_\_\_, hereby declare that I am the (title) \_\_\_\_\_, for the Medical University of South Carolina ("South Carolina"), and that, in that position, I am duly authorized and qualified to make the declarations contained herein.

1. South Carolina has produced copies of the following records (the "Records") in response to a third-party Subpoena that South Carolina received in connection with the above-captioned lawsuit:

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(Attach additional pages if necessary)

2. The copies of the Records that South Carolina has produced in response to the Subpoena constitute full, complete, true and correct copies of the Records as maintained by South Carolina.



3. The Records were prepared by South Carolina in the regular course of business at or near the time of the acts, conditions, events or occurrences described in the Records by a person with knowledge or based upon information transmitted by persons knowledgeable of those matters.
4. The Records were kept in the course of South Carolina's regularly conducted business activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this \_\_\_\_ day of \_\_\_\_\_, at (City) \_\_\_\_\_,  
(State) \_\_\_\_\_.

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Title: \_\_\_\_\_